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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,028	03/08/2005	Manabu Egawa	L9289.05108	5457

7590 09/05/2007  
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EXAMINER
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PAPE, ZACHARY

ART UNIT	PAPER NUMBER
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2835

MAIL DATE	DELIVERY MODE
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09/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/527,028	<b>Applicant(s)</b> EGAWA, MANABU	
	<b>Examiner</b> Zachary M. Pape	<b>Art Unit</b> 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 19-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,10,11 and 13 is/are rejected.
- 7) ☒ Claim(s) 3,5-9,12,14-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/8/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of claims 1-18 in the reply filed on 7/12/20007 is acknowledged. The traversal is on the ground(s) that the search for all pending claims together would not be burdensome. This is not found persuasive because a separate search in two separate and distinct classes/subclasses is required to do a proper examination of all the claims. Since claims 1-18 are drawn to the cooling devices within the housing, a thorough search is required in 361/695 (and other appropriate classes/subclasses), whereas if claims 19-21 were also examined, a thorough search of class 361/752 (and other appropriate classes/subclasses) would also be required.

The requirement is still deemed proper and is therefore made FINAL.

### ***Information Disclosure Statement***

2. The Information Disclosure Statement filed 3/8/2005 has been **only partially considered** by the Examiner. Those citations which have been initialed have been considered by the Examiner and those which have a line drawn through have not been considered by the Examiner. Regarding the citations which have been struck, the Examiner was unable to consider the references since, as best the Examiner could tell, were not supplied. The Examiner reserves the right to issue a final rejection based on the newly supplied references if any of the references are believed to read on any of the amended/unamended claims. Further the Examiner respectfully requests a fully

translated copy of the JP 2003-92482A since it has been indicated by the international search report as being pertinent to patentability.

### **Request For Information**

3. The Examiner respectfully requests any communications with the JPO with respect to applications 2003-168502 and 2003-168503.

### ***Claim Objections***

4. Claims 4 and 13 are objected to because of the following informalities:

Claims 4 and 13 recite, "each have the airtightness" which is incorrect. It appears it should be changed to read, "are airtight".

Appropriate correction is required.

### ***Specification***

5. The disclosure is objected to because of the following informalities:

The heat pipe of claims 9 and 18 must be disclosed in the written description.

Appropriate correction is required.

### ***Drawings***

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. **Therefore, the heat pipe of**

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**claims 9 and 18 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.**

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 10, 11, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Falaki et al. (US 6,038,129 – hereinafter, “Falaki”).

With respect to claim 1, Falaki teaches (In Figs 1 and 2) a base station (Col 2: Line 36), wherein an external container (Generally that shown in Fig 1) is divided into a first flat-type external container (Best referred to as A) that is fixed to an installation place (Since the container is part of a base station, it must be fixed to an installation place) and a second flat-type external container (Best referred to as 2) that holds circuit boards (5 – see Fig 7) and that is detachably attached to the first external container (See Fig 7 which shows holes surrounding the perimeter of the container which is to accommodate screws to attach A and 2 together) and the second external container (2) is disposed on the outside of the first external container (A) with heat dissipation space provided therebetween (See Fig 2, where there is a space between 3 and 4).

With respect to claim 10, Falaki further teaches (In Figs 1 and 2) a base station comprising: a first external container (Best represented by A) that is fixed to an installation place; and a second external container (Best represented by 2) that holds a plurality of stacked circuit boards (5, see Fig 7 where they are vertically stacked) and that is detachably attached to the first external container, wherein clearance for heat dissipation communicating with outside air is provided between the first external container and the second external container (See Fig 2, between 3 and 4, where the heat dissipation communicates with outside air for at least the reason that it is thermally in communication with the outside air via the external covers), and the first external container (A) and the second external container (2) are provided opposite to each other

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in the direction in which the circuit boards are laminated (Even though the claims are limited and defined by the recited process, the determination of patentability of the product is based on the product itself, and does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. *In re Thorpe*, 227 USPQ 964, 966 (Fed. Cir. 1985). In the present case the product itself as taught by Falaki is the same as the claimed product, regardless of the process by which the board is laminated).

With respect to claims 2 and 11, Falaki further teaches a radiating member (8) is provided on each of opposite faces of the first external container (A) and the second external container (2, see Fig 1).

With respect to claims 4 and 13, Falaki further teaches that the first external container and the second external container are airtight (Col 2, Lines 41-43), while communicating with each other in internal space thereof (See Fig 1).

### ***Allowable Subject Matter***

8. Claims 3, 5-9, 12, 14-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and if they are determined to be allowable over the unconsidered references listed in the IDS once they are submitted and reviewed by the Examiner.

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The following is a statement of reasons for the indication of allowable subject matter:

With respect to claims 3 and 12, the allowability resides in the overall structure of the device as recited in dependent claims 3 and 12 and at least in part because claims 3 and 12 recite, "the first external container holds a power supply".

The aforementioned limitations in combination with all remaining limitations of claims 1, 3, and 10, 12 are believed to render said claims 3 and 12 patentable over the art of record.

With respect to claims 5 and 14, the allowability resides in the overall structure of the device as recited in dependent claims 5 and 14 and at least in part because claims 5 and 14 recite, "wherein a fan unit is provided on an upper face of the first external container.. absorbing air from between the first external container and the second external container".

The aforementioned limitations in combination with all remaining limitations of claims 1, 5 and 10, 14 are believed to render said claims 5 and 14 patentable over the art of record.

With respect to claims 6 and 15, the allowability resides in the overall structure of the device as recited in dependent claims 6 and 15 and at least in part because claims 6 and 15 recite, "a motherboard which has (in which is provided) a plurality of motherboard connectors connected to respective printed-circuit board connectors".

The aforementioned limitations in combination with all remaining limitations of claims 1, 6 and 10, 15 are believed to render said claim 6 and all claimed dependent



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therefrom (Claim 7-8, and 9 should the drawing objection to claim 9 be alleviated and 16-17 and 18 should the drawing objection to claim 8 be alleviated) patentable over the art of record.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,494,252; US 2002/0070043; US 7,110,256; US 7,130,193; US 6,166,905; US 5,969,943; US 7,040,383; US 7,139,531; US 7,161,804 all further teaches cooling a base station container.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary M. Pape whose telephone number is 571-272-2201. The examiner can normally be reached on Mon. - Thur. (7:00am - 5:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayprakash Gandhi can be reached at 571-272-3740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ZMP

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6/31/07  
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SUPERVISORY PATENT EXAMINER